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HAND DELIVERED

September 25, 2008

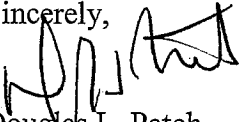
Thomas B. Getz, Vice Chairman
NH Site Evaluation Committee
Sub-Committee Chairman
NH Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

*Re: Site Evaluation Committee Docket No. 2008-04, Application of Granite
Reliable Power, LLC for a Certificate of Site and Facility to Construct and Operate the
Granite Reliable Power Windpark - Affidavits of Publication*

Dear Chairman Getz:

In accordance with Site 202.14, enclosed is the Applicant's Response to Intervention
Requests filed in the above-captioned matter.

Thank you for your attention.

Sincerely,

Douglas L. Patch

cc. Michael Iacopino, Counsel to the Sub-Committee
Jane Murray, DES
List of interested parties from Jane Murray

Enclosure

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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2008-04

**RE: APPLICATION OF GRANITE RELIABLE POWER, LLC
FOR A CERTIFICATE OF SITE AND FACILITY
TO CONSTRUCT AND OPERATE
THE GRANITE RELIABLE POWER WINDPARK**

APPLICANT'S RESPONSE TO INTERVENTION REQUESTS

NOW COMES Granite Reliable Power, LLC ("the Applicant") by and through its undersigned attorneys and respectfully responds to the intervention requests filed by various persons and entities in the above-captioned matter as provided in N.H. Admin. Rule Site 202.14.

1. The Order and Notice of Public Information Hearing, Site Inspection Visit and Pre-Hearing Conference issued by the Site Evaluation Committee ("the Committee") on August 27, 2008 in the above-captioned matter established September 18, 2008 as the deadline for filing motions to intervene and the date for the pre-hearing conference.

Intervention Requests

2. On September 15, 2008, the undersigned received an electronic copy of a petition for intervention filed by Clean Power Development, LLC ("CPD") from the attorney for CDP.

3. On September 16, 2008, the undersigned received, via electronic mail from the Site Evaluation Committee's attorney, copies of motions to intervene from: Kathlyn Keene, Robert Keene and Jon Odell. On that date, the undersigned received, via electronic mail from the Committee's Executive Secretary, a copy of a request for intervention filed by Sonja M.

Sheldon. On that date, the undersigned also received, via electronic mail from David Publicover, a request for intervention filed by Appalachian Mountain Club ("AMC").

4. On September 18, 2008 Sub-Committee Chairman Thomas Getz held a pre-hearing conference as provided in the August 27 Notice, at which representatives of the Applicant, CPD, the AMC, New Hampshire Wind Energy Association ("NHWEA"), and Public Counsel were present.

5. On September 18, 2008, the undersigned received, via electronic mail, a petition for intervention from NHWEA.

6. On September 19, 2008, the undersigned received, via electronic mail from the Committee's Executive Secretary, copies of intervention requests filed by Industrial Wind Action Group ("IWAG") and Wayne R. Urso on behalf of himself and every voter of the unincorporated area of Millsfield. The undersigned received a hard copy of the IWAG intervention request from Ms. Linowes on September 22, 2008.

Standard for Granting Intervention Petitions and Conditions that May be Imposed

7. The standard for granting a petition for intervention is set out in the Committee's rules, Site 202.11, and RSA 541-A:32, I. Pursuant to the rules, a person seeking to intervene must file a petition "with copies served on all parties identified in the....notice of hearing".

Under paragraph (b) of this rule, the presiding officer must grant a petition to intervene if:

- (1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's order of notice of the hearing, at least 3 days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

RSA 541-A:32, I contains virtually identical provisions.

8. The Applicant recognizes that in the past the Committee has interpreted RSA 541-A:32, II as authorizing it to allow petitions for intervention that do not meet the standard under RSA 541-A:32, I if the Committee finds that the broader interests of justice support intervention and the intervention would not interfere with the orderly and prompt conduct of the proceeding. *See Order on Petition of Lisa Linowes to Intervene*, Re: Community Energy Inc. and Lempster Wind, LLC, Site Evaluation Committee Docket No. 2006-01. The Applicant respectfully submits that there is an alternative reading of this statute that is more consistent with the Committee's new rules and the language of RSA 541-A:32. The Applicant believes that the discretionary nature of RSA 541-A:32, II is temporal rather than plenary, i.e. it is limited to late-filed intervention petitions which must otherwise meet the requirements of RSA 541-A:32, I. *See* RSA 541-A:32, II ("presiding officer may grant one or more petitions for intervention *at any time*"[emphasis added]). Under this interpretation, the first paragraph of RSA 541-A:32 sets forth the standard that is to be used to determine whether to allow an intervention, while the second paragraph sets forth the standard to be used, in conjunction with the first paragraph, in determining whether to allow a late request for intervention. In other words, the language of RSA 541-A:32, II only comes into play if the request for intervention is late-filed. This interpretation is in fact supported by the Committee's recently enacted rules which appear to limit the Presiding Officer's authority for granting intervention petitions filed pursuant to RSA 541-A:32, II to those that are "late-filed". *See* N.H. Admin. Rule Site 202.11 (c). Accordingly, in order to grant requests for intervention, the Presiding Officer must always make findings that the parties seeking intervention meet all of the intervention standards under RSA 541-A:32, I (i.e. that the petitions have been filed more than 3 days prior to the hearing, that the petition states facts demonstrating rights, duties, privileges, or other substantially affected interests, and

that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing intervention.) The Applicant believes that the discretionary provisions of RSA 541-A:32, II should, as the Committee's rules provide, only be invoked in the event that a petition for intervention is late-filed and respectfully suggests that the Committee interpret this statutory provision in this way.

9. The Committee's rules, RSA 541-A, and the statutes governing the Committee, RSA 162-H, not only authorize but, in fact, require: limiting intervenor participation to designated issues; limiting intervenors' use of cross examination; and other procedures, and consolidation of certain intervenors to promote the prompt, efficient and orderly conduct of the proceeding. Site 202.11(d) requires the presiding officer to impose conditions on intervenors' participation in the proceeding "if such conditions promote the efficient and orderly process of the proceeding". RSA 541-A:32, III contains similar provisions. The Committee's statute also expressly allows the Committee to "compel consolidation of representation for such persons as have, in the committee's reasonable judgment, substantially identical interests." RSA 162-H:9, II.

Appalachian Mountain Club and New Hampshire Wind Energy Association

10. The petitions for intervention filed by AMC and NHWEA appear to satisfy the standard for intervention and therefore the Applicant has no objection to the Presiding Officer granting those petitions to intervene for the purposes stated in the motions. In the case of AMC, those interests appear to be limited to "the protection of New Hampshire's significant resources including its forest and mountainous areas."

Clean Power Development

11. CPD is an entity that is “proposing to add new and significant renewable power generation facilities in Coos County”. CPD Petition, ¶ 6. CPD asserts that it should be able to participate in these proceedings “to address any transmission-related issues, as well as any issues relative to the impact on the local and regional economy...”. CPD Petition, ¶ 9. CPD further states that “it does not oppose the siting of [the GRP] project”, and says that it believes that the existing Coos transmission loop may be upgraded to support both this GRP project and the interconnection of additional renewable generation, at least as an interim measure, even if available transmission capacity does not exist all of the time. In support of this contention, CDP cited the New Hampshire Public Utility Commission’s Background Report on Transmission Infrastructure dated December 1, 2007 (“PUC Report”). CPD Petition, ¶ 11. However, one important part of the PUC Report was omitted from CPD’s motion: the PUC Report notes that any configuration that would include the interconnection of another generation project along with the GRP project on the existing loop “does, however, limit the output of these units based on system and generation conditions as well as reduce or eliminate the unit’s capacity value (in the FCM)” and “while this option is theoretically feasible, it may not be acceptable to generators, or, more to the point, their investors or lenders.” PUC Report at page 29.

12. While the Applicant supports the development of renewable energy projects (such as CDP’s) in the north country and throughout the state, and does not object to CDP’s intervention, the Applicant requests that CPD’s participation be limited to the issue of the orderly development of the region, the only issue other than transmission which CPD identified in its petition. The Applicant believes that CPD’s participation in this proceeding to address transmission-related issues is inappropriate. These technical issues are not before this Committee in this proceeding and are more appropriately addressed by ISO-New England. In

addition, allowing CPD to use these proceedings as a vehicle for discussing North Country transmission issues would overlap with or duplicate efforts of the Commission to Develop a Plan for the Expansion of Transmission Capacity in the North Country established by the legislature in Laws of 2008, Ch. 348. Lastly, the Applicant is also concerned that CDP, as a potential competitor of the Applicant, may, as part of the discovery process in this proceeding, seek competitively sensitive information which will create discovery disputes affecting the orderly and prompt conduct of these proceedings. Thus, in the event the Presiding Officer grants CPD's motion to intervene, the Applicant respectfully requests that as a condition of such intervention, CPD be ordered to refrain from propounding discovery requests that seek disclosure of Applicant's competitively sensitive commercial or financial information.

Kathlyn Keene, Robert Keene and Jon Odell

13. Kathlyn Keene, Robert Keene and Jon Odell have all separately requested "general intervention status" in this proceeding. Both of the Keenes have provided the same address in Jefferson, New Hampshire, which is more than 40 miles south of the site of the proposed project, while Mr. Odell provided an address in Lancaster, which is approximately 25 miles southwest of the project area. Both of the Keenes have raised issues that should be considered by the Committee, but neither has stated any facts demonstrating that their rights, duties, privileges, immunities or other substantial interests would be affected by this proceeding. Mr. Odell has indicated that he has fished and hunted in the area where the project is proposed to be sited, but beyond this he has not stated any facts demonstrating that his rights, duties, privileges, immunities or other substantial interests would be adversely affected by this project. Accordingly, all of these intervention requests must be denied for their failure to meet the standards for intervention.

14. The issues raised by the Keenes and Mr. Odell are no different than any other member of the general public. As such, any concerns that the Keenes or Mr. Odell have can be adequately presented to the Committee through the Public Counsel, who is required to represent the views of the public, *see* RSA 162-H:9, or through the mechanisms available to all members of the public under RSA 162-H:10, III, which provides: "The site evaluation committee...shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings." The Committee's rules also provide the mechanisms for submission and consideration of views of all members of the public. Site 202.25.

15. In the event that the Presiding Officer decides to allow any or all of these individual intervention requests, and some of the others noted below, the Applicant would strongly urge that parties whose interests are aligned be ordered to consolidate their participation in these proceedings. The authority for this is clearly laid out in the Administrative Procedures Act, the Committee's rules, and the Committee's statutes, as noted above.

Wayne R. Urso and Sonja M. Sheldon

16. In his motion to intervene Mr. Urso asks that "each and every voter" in Millsfield be added to the list of intervenors and says that they "ought to have the right to be involved, speak at any public hearings and to intervene as they see fit." Mr. Urso's list includes Sonja Sheldon, who also asks separately for intervention.

17. In her letter dated September 12, 2008, Ms. Sheldon, indicates that she would like to be an intervenor, stating: "We are abutters to this project, and we appreciate you keeping us informed on further meetings." She further states "Granite Reliable Power, LLC or Coos County never informed us of the wind farm project."

18. GRP wants to point out to the Committee that Ms. Sheldon, like the other abutters to the project, received a letter dated July 10, 2008 from a consultant for GRP, Horizons Engineering, informing her of the proposed wind project. Moreover, as part of GRP's outreach effort, representatives for GRP have met with Ms. Sheldon and other Millsfield residents personally and made presentations about the project in group meetings that Millsfield residents have attended. GRP will continue these outreach efforts.

19. Understandably, since they do not typically participate in proceedings of this nature, many members of the public do not recognize the difference between participating as an intervenor and being given the opportunity to submit views orally or in writing. The Applicant believes it is important that all potential intervenors, including the Millsfield residents, understand the distinction between being an intervenor and having the right to provide comments or information. The Applicant also believes it is important that all potential intervenors understand the role that Public Counsel plays in the proceeding, as a spokesperson and resource for members of the public, as well as the opportunity members of the public have to be placed on the docket's mailing list to receive copies of information related to the proceeding. Finally, the Applicant believes that it is important that potential intervenors be aware of the opportunity they have to express their views and submit information to the Committee recognized in the rules and statutes noted above.

20. Residents of Millsfield, including Ms. Sheldon, have an interest in this proceeding and thus GRP does not object to their intervention. GRP would urge the Presiding Office, however, to require consolidation of the Millsfield residents in order to promote the orderly flow of the proceeding and to make sure they understand the distinction between being an intervenor and being a member of the public, and the rights and responsibilities of being an intervenor.

Industrial Wind Action Group

21. Lisa Linowes submitted the Motion to Intervene on behalf of IWAG but did not appear at the prehearing conference. The IWAG web site indicates that this group was "formed to counteract the misleading information promulgated by the wind energy industry and various environmental groups." www.windaction.org. It goes on to say: "The rapid growth of industrial wind energy has been fostered by federal and state policies that, while well intentioned, fail to reflect wind energy's limitations as an energy source, its ineffectiveness in reducing emissions, and its impacts on our environment, economy and quality of life." www.windaction.org/about.

22. The clear mission of IWAG group is anti-wind, which begs the question whether an anti-wind group with no other specific rights, duties, privileges, immunities or other substantial interests, is entitled to be an intervenor in any proceeding involving a proposed wind park in New Hampshire. All intervention requests must meet the standards under RSA 541-A:32, I; opposition to wind power is not a sufficient showing to warrant the granting of a motion to intervene.

23. The only statement in Ms. Linowes' motion that comes even close to demonstrating an interest within the meaning of RSA 541-A:32, I is the vague and unsubstantiated statement that the group includes "neighbors to the lands on which the wind electric generation facility and associated transmission and interconnection facilities" will be constructed. IWAG Motion, ¶ (1.). The facts offered in support of intervention are far too vague and overreaching for the Presiding Officer to grant IWAG's motion to intervene. IWAG even goes so far as to say that its interests can not be adequately protected by other parties because a majority of the motions to intervene were from individuals who either have a financial interest in the outcome or "reflect parties with local interests". IWAG Motion, ¶ (2.). The Applicant submits that parties with

substantiated "local" interests (e.g. abutters) are the kind of intervenors that the law and the rules contemplate should be allowed to intervene in these proceedings, not anti-wind groups with few, if any, local ties. IWAG, like any other member of the public as noted above, has a full and fair opportunity to submit written comments or information or to attend public hearings and express its view; it should not be granted intervenor status in this proceeding.

General Intervention Issues

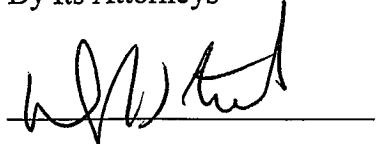
24. The Applicant believes that it is important to impress on all parties who are granted intervention the responsibility of insuring that all committee orders, rules, statutes and processes are followed. This includes adhering to the ex parte laws, meeting deadlines established by the Committee and being accurate and truthful in all filings. If the Presiding Officer does not make these responsibilities clear to all the parties, the Applicant fears that this proceeding could be delayed or impeded. The Applicant respectfully requests that the Presiding Officer, to the extent that he believes intervention is warranted, take steps, such as consolidation and limiting intervention, to promote the orderly and prompt conduct of the proceeding.

Wherefore, the Applicant respectfully requests that the Presiding Officer either grant, deny, limit or consolidate the motions to intervene as noted above.

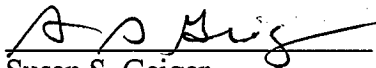
Respectfully submitted,

Granite Reliable Power, LLC

By Its Attorneys



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Dated: September 25, 2008

Certificate of Service

I hereby certify that, on the date written below, I caused Applicant's Response to Intervention Requests to be sent by electronic mail or U.S. mail, postage prepaid, to the persons on the attached list.

9/25/08

Date



Douglas L. Patch

Noble Environmental Power
RE: Granite Reliable Power
Docket No. 2008-04

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